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DECLARATION OF RICHARD B. SWINNEY

- I, Richard B. Swinney, declare as follows:
- I am a Senior Vice President for U.S. Bank Home Mortgage. On 1. November 21, 2008, U.S. Bank purchased certain assets of PFF Bank and Trust ("PFF"), including all loans and loan commitments, of PFF. I have personal knowledge of the facts set forth herein. If called as a witness, I would competently testify to these statements.
- This declaration is submitted in support of U.S. Bank's and FCI Lender Services, Inc.'s Opposition to Plaintiff's Ex Parte Application for a Temporary Restraining Order. As part of my job duties at U.S. Bank, I am familiar with and regularly access U.S. Bank's computer system and paper file system that track and record information regarding the loans U.S. Bank owns and/or services. The information contained in U.S. Bank's computer system and paper file system is contemporaneously recorded, I believe it to be accurate and I rely upon it regularly in the course of my performance of my job duties.
- 3. On November 21, 2008, the Federal Depository Insurance Corporation ("FDIC") facilitated the sale of PFF's assets to U.S. Bank. I have reviewed U.S. Bank's computer system and have confirmed that the two loans at issue in this action were included as assets in the sale. Indeed, U.S. Bank continues to own and service both of the loans PFF made to Plaintiff. The loans have not been securitized and sold as Plaintiff asserts in his ex parte papers and U.S. Bank has the right to foreclose upon Plaintiff's payment default.
- Attached as Exhibits A and B are true and correct copies of the deeds of trust for the loans at issue in this action. As shown on Exhibits A and B, the power of sale in the deeds of trust was given to the trustee named therein.
- 5. Attached as **Exhibit C** is a true and correct copy of an Affidavit from 27 the FDIC that (i) confirms that all PFF loans (and loan commitments), which include 28 the two loans at issue, were acquired by U.S. Bank from the FDIC as receiver for

1	PFF, and (ii) confirms that the FDIC, in its receivership capacity, has the power to
	transfer assets with any approval, assignment or consent with respect to such
	transfer.
4	I declare under penalty of perjury that the foregoing is true and correct.
5	Executed January 20, 2010, at Irvine, California.
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7	Richard B. Swinney
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